

COPY¹

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

- - - - - X

JUDITH H. WEISS,

Plaintiff,

against,

FRANCES M. CREEM and BETTY M. OLSON,

Defendants.

- - - - - X

DATED: January 21, 2008
Poughkeepsie, New York
12:45 p.m. - 1:10 p.m.

Patrick M. DeGiorgio, Reporter

DEPOSITION

OF

FRANCES M. CREEM

FEB 15 2008

MARY T. BABIARZ COURT REPORTING SERVICE, INC.
(845) 471-2511

F. CREEM

7

1

2

A. 77.

3

Q. Were you involved in an automobile accident
back in September 2006?

4

5

A. Yes.

6

Q. Do you remember the date of the accident?

7

A. September 16th.

8

Q. Do you remember the day of the week?

9

A. Monday.

10

Q. What time did the accident happen?

11

A. Around 3, 3:30.

12

Q. That's in the afternoon?

13

A. Yes.

14

Q. At the time of the accident you were driving
an automobile?

15

16

A. Yes.

17

Q. Were you the owner of that car?

18

A. Yes.

19

Q. What kind of car was it?

20

A. 1991 Buick Regal.

21

Q. Did it have four doors?

22

A. Yes.

23

Q. Power steering?

24

A. Yes.

25

Q. Did it have power brakes?

F. CREEM

13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to the hospital from your home that day?

A. Route 32.

Q. Directly from your home you got onto Route 32?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay.

A. I had to go through side streets, but then I got on 32.

Q. That's what I'm asking. Do you recall the names of the streets that you used?

A. Broadhead Avenue -- wait a minute. DuBois Road. I got out of my house, turned around and got on DuBois Road, went down and then I was on 32.

Q. When you got on Route 32 did you make a right or left turn?

A. Right.

Q. Was that traveling in a northbound direction?

A. Yes.

Q. How far did you travel on Route 32 before the accident occurred?

F. CREEM

14

MR. O'SHAUGHNESSY:

Approximately.

A. About five miles.

MR. GIANNINI:

Q. The accident happened on Route 32; is that correct?

A. Yes.

Q. Can you tell me the closest intersection to where the accident occurred?

A. It was a straight road I guess.

Q. From the time you left your home that day up until the time the accident occurred, did you have occasion to use your brakes in the vehicle?

MR. O'SHAUGHNESSY:

Do you understand the question?

A. I'm thinking.

MR. O'SHAUGHNESSY:

Just note my objection to the form.

You can answer.

A. Yes, when I was down on Broadhead Avenue.

MR. GIANNINI:

Q. Let me ask you the question this way. From the time that you left your home up until

F. CREEM

17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. I don't know.

Q. If you don't know, you can tell me.

A. I really don't know.

Q. That's all right. How would you describe the traffic conditions when you first got onto Route 32?

A. Fine.

Q. Was it light traffic, medium traffic or something else?

A. Medium.

Q. Did you make any stops on Route 32 before the accident occurred?

A. No.

Q. What's the speed limit on Route 32?

A. It varies. It changes.

Q. Can you tell me what the highest rate of speed your vehicle reached as you traveled on Route 32 before the accident occurred?

A. Between 45 and 50.

Q. Were there vehicles traveling directly ahead of you in the northbound direction on Route 32?

A. Yes.

Q. At the place where the accident occurred,

F. CREEM

18

was it also one lane of traffic northbound?

A. Yes.

Q. How many lanes of traffic going southbound on Route 32 in that location?

A. Two.

Q. As you approached the place where the accident occurred, let's say approximately 100 feet from the place where the accident occurred, can you tell me if any vehicles were traveling directly ahead of you northbound?

A. Yes.

Q. How many vehicles?

A. Two.

Q. Do you know what kind of vehicles they were?

A. One was a white truck and one was the red car.

Q. When you say red car, is that the car that eventually you had contact with?

A. Right.

Q. Was the truck ahead of the red car?

A. Yes.

Q. How far were you traveling --

MR. GIANNINI:

F. CREEM

19

Withdrawn.

Q. How far was your vehicle from the red car
the first time you saw it?

A. I kept watching.

Q. The first time it came into your view, how
far were you from that red car?

A. About two or three car lengths.

Q. When you say two or three car lengths, are
you talking approximately the length of the
vehicle that you were driving that day?

A. Right.

Q. During the time that you --

MR. GIANNINI:

Withdrawn.

Q. Did you keep the red car under your
observation all the time up until the time
of the accident?

A. Yes.

Q. And did the distance --

MR. GIANNINI:

Withdrawn.

Q. Did the red car come to any stops before the
time that the accident occurred?

A. No. Not that I saw.

F. CREEM

20

1
2 Q. At any time as you traveled the two or three
3 car length distance between your car and the
4 red car, did you see the red car engage its
5 rear brake lights?

6 A. No.

7 Q. Did the red car travel in a northbound
8 direction directly ahead of you going
9 straight at all the times that you were
10 watching it?

11 A. Yes.

12 Q. Did you maintain a distance of two or three
13 car lengths from the red car all the time
14 that you traveled northbound?

15 A. Yes.

16 Q. Did there come a time that you saw the red
17 car come to a stop?

18 A. No.

19 Q. Did you see the truck ahead of the red car
20 come to a stop?

21 A. No.

22 Q. Did you see any construction activity on
23 Route 32 as you traveled that day?

24 A. There was people picking up signs, some kind
25 of people picking up signs.

F. CREEM

21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. Was that ahead of you as you traveled?

A. Right.

Q. At any time did you see the red car decrease its speed as you traveled behind it two or three car lengths?

A. It seemed to slow down a little bit because I was catching up to it.

Q. When you say you were catching up to it, did this change from two or three car lengths?

A. Yes, because it's a hill and there's an incline.

Q. Were you going down the incline?

A. Yes. The hill started and all of a sudden she seemed closer, so then I was slowing down and pushing on my brake as I got near her.

Q. When you saw the red vehicle slowing down as you described, what did you do, if anything, with respect to the operation of your car?

A. I just kept hitting my brake.

Q. When you say you hit your brake, did you keep your foot continuously on the brake or something else?

A. On it and then when I -- I didn't stop it